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 13 DAVID KEARNS, and ELISABETH  
 14 MAILHOT, M.D.

**\*E-FILED - 8/11/09\***

12 UNITED STATES DISTRICT COURT  
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 (San Jose Division)

14 TRACY WATSON et al.,	)	No. C06-4029 RMW
15 Plaintiffs,	)	
16 v.	)	<b>STIPULATION AND ORDER REGARDING</b>
17 COUNTY OF SANTA CLARA et al.,	)	<b>HEARING ON MOTION FOR SUMMARY</b>
18 Defendants.	)	<b>JUDGMENT BY DEFENDANT AARON</b>
	)	<b>WEST</b>

19  
 20 The parties in the above-captioned action submit the following stipulation and order  
 21 regarding the hearing on the motion for summary judgment by Defendant Aaron West. The  
 22 hearing on Defendant West's motion is presently set for September 11, 2009, and the Court  
 23 previously ordered Plaintiffs to file their opposition to the motion on August 7, 2009. Due to  
 24 the Defendant and counsel's unavailability to complete Ms. West's deposition prior to August  
 25 7, 2009, the parties agree that the hearing on her motion for summary judgment shall be moved  
 26 to **October 30, 2009**, which is the same date that the motions for summary judgment by the  
 27 Evergreen School District and City of San Jose Defendants will be heard. The parties' briefs  
 28 //

Stipulation and Order Regarding Hearing  
 on Motion for Summary Judgment by  
 Defendant Aaron West

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shall be filed pursuant to the Civil Local Rules based upon the October ~~16~~, 2009 hearing date.

I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
“conformed” signature (/S/) within this efiled document.

Respectfully submitted,

MIGUEL MÁRQUEZ  
Acting County Counsel

Dated: July 30, 2009

By: /S/  
MELISSA R. KINIYALOCES  
Deputy County Counsel

Attorneys for County Defendants

Dated: July 30, 2009

By: /S/  
JACQUELYN K. WILSON

Attorney for Evergreen School District  
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Dated: July 30, 2009

By: /S/  
SHANNON SMYTH-MENDOZA

Attorney for City of San Jose Defendants

Dated: July 30, 2009

By: /S/  
PETER JOHNSON

Attorney for Plaintiffs

### ORDER

THE FOREGOING STIPULATION IS APPROVED AND IT IS SO ORDERED.

Dated: 8/11/09

  
HONORABLE RONALD M. WHITE  
United States District Court Judge